

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Bail Appl..No. 7266 of 2007()

CRIME NO.28/A/06 OF CBI ERNAKULAM

: PETITIONER/ACCUSED

K.S.SEBASTIAN, S/O.K.J.SEBASTIAN,
G 101, MANTHRI WOODLANDS, ARKERE,
BANARKATTE ROAD, BANGALORE.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT/STATE

1. CENTRAL BEAURO OF INVESTIGATION,
REP. BY S.P OF POLICE,
(SPECIAL INVESTIGATION TEAM), ERNAKULAM.
2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY STANDING COUNSEL FOR C.B.I SRI.S.SREEKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.7266 of 2007

Dated this the 28th day of November, 2007

ORDER

Application for anticipatory bail. Petitioner faces allegations under Section 120 B and 420 I.P.C and Section 13 (2) of the Prevention of Corruption Act. The petitioner is the 2nd accused.

2. The crux of the allegations against the petitioner, a contractor, is that he supplied tanks to the Indian Rare Earths (I.R.E) on the requisition of the 1st accused. It is alleged that there was a conspiracy between the 1st and 2nd accused. Tanks were really not necessary. They were supplied only to facilitate siphoning of funds of the I.R.E to the petitioner herein. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner contends that the allegations are totally unjustified. The petitioner does not deserve to suffer the trauma of arrest and detention. He shall co-operate with the investigator. Subject to any appropriate conditions, anticipatory bail may be granted to the petitioner, it is prayed.

4. The learned Standing Counsel for the C.B.I does not oppose the application. The learned counsel only prays that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

5. I am satisfied, in the facts and circumstances of this case, that anticipatory bail can be granted to the petitioner. In the absence of opposition, it is not necessary for me to advert to facts in any greater detail in this order.

6. In the result, this Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Special Judge, C.B.I-II at 11 a.m on 06.12.2007. He shall be enlarged on regular bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Special Judge;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Special Judge as directed in clause (i), directions issued above

shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 06.12.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) without any sureties undertaking to appear before the learned Special Judge on 06.12.07.

(R.BASANT, JUDGE)

rtr/-